

*Updated April 2000*

## **Chapter 15. Indiana Optometric Legend Drug Prescription Advisory Committee**

### **IC 25-26-15-1 “Associated structures of the eye” defined**

Sec. 1. As used in this chapter, "associated structures of the eye" means the:

- (1) eyelids;
- (2) eyebrows;
- (3) conjunctiva;
- (4) lachrymal apparatus; and
- (5) orbital tissues. *(As added by P.L.147-1991, SEC.7.)*

### **IC 25-26-15-2 “Administer” defined**

Sec. 2. As used in this chapter, "administer" means the direct application of a legend drug by an optometrist to a patient. *(As added by P.L.147-1991, SEC.7.)*

### **IC 25-26-15-3 “Board” defined**

Sec. 3. As used in this chapter, "board" means the Indiana board of pharmacy established under IC 25-26-13-3. *(As added by P.L.147-1991, SEC.7.)*

### **IC 25-26-15-4 “Committee” defined**

Sec. 4. As used in this chapter, "committee" refers to the optometric legend drug prescription advisory committee established under section 12 of this chapter. *(As added by P.L.147-1991, SEC.7.)*

### **IC 25-26-15-5 “Diagnostic legend drug” defined**

Sec. 5. As used in this chapter, "diagnostic legend drug" means a pharmacological agent approved by the committee that is used in the examination of the human eye for the purpose of detecting abnormalities. *(As added by P.L.147-1991, SEC.7.)*

### **IC 25-26-15-6 “Dispense” defined**

Sec. 6. As used in this chapter, "dispense" means to deliver a legend drug to an ultimate user by or pursuant to a lawful order of an optometrist. The term includes the:

- (1) prescribing;
- (2) administering;
- (3) packaging;
- (4) labeling; or
- (5) compounding;

necessary to prepare the drug for delivery. *(As added by P.L.147-1991, SEC.7.)*

#### **IC 25-26-15-7 “Legend drug” defined**

Sec. 7. As used in this chapter, "legend drug" has the meaning set forth in IC 16-18-2-199. The term does not include controlled substances as defined in IC 35-48-1. *(As added by P.L.147-1991, SEC.7. Amended by P.L.2-1993, SEC.148.)*

#### **IC 25-26-15-8 “Optometrists” defined**

Sec. 8. As used in this chapter, "optometrist" means a person licensed as an optometrist under IC 25-24-1. *(As added by P.L.147-1991, SEC.7.)*

#### **IC 25-26-15-9 “Person” defined**

Sec. 9. As used in this chapter, "person" means an individual. *(As added by P.L.147-1991, SEC.7.)*

#### **IC 25-26-15-10 “Prescription” defined**

Sec. 10. As used in this chapter, "prescription" means:

- (1) a written order to or for an ultimate user for a drug or device containing:
  - (A) the name and address of the patient;
  - (B) the name and strength or size of the drug or device;
  - (C) the amount to be dispensed;
  - (D) adequate directions for the proper use of the drug or device by the patient; and
  - (E) the name and certification number of the prescribing optometrist, issued and signed by the optometrist; or
- (2) an order transmitted by other means of communication from an optometrist that is immediately reduced to writing by the pharmacist. *(As added by P.L.147-1991, SEC.7.)*

#### **IC 25-26-15-11 “Therapeutic legend drug” defined**

Sec. 11. As used in this chapter, "therapeutic legend drug" means a pharmacological agent that is used in the treatment of a diagnosed condition of the:

- (1) human eye; or
- (2) associated structures of the human eye. *(As added by P.L.147-1991, SEC.7.)*

#### **IC 25-26-15-12 Optometric legend drug prescription advisory committee; establishment; members; terms; removal; vacancies; chairman; meetings; notice; per diem; quorum**

Sec. 12. (a) The Indiana optometric legend drug prescription advisory committee is established.

- (b) The committee consists of five (5) members as follows:

(1) One (1) optometrist appointed by the Indiana optometry board from among its members.

(2) One (1) optometrist who is:

(A) appointed by the governor; and

(B) holds a license to practice optometry in Indiana.

(3) One (1) pharmacist appointed by the board from among its members.

(4) One (1) physician who is:

(A) trained in the diagnosis and treatment of diseases of the eye;

(B) appointed by the governor; and

(C) hold an unlimited license to practice medicine in Indiana.

The physician may be a member of the medical licensing board.

(5) One (1) pharmacologist who is:

(A) appointed by the governor; and

(B) actively engaged in teaching pharmacology at a higher education institution (as defined under IC 20-12-5.5-1) or a private institution of higher education (as defined under IC 20-12-63-3).

(c) A member of the committee appointed by a board serves a one (1) year term. A member appointed by the governor serves a four (4) year term.

(d) A member of the committee may be removed for cause by the appointing authority.

(e) If a vacancy occurs on the committee, the authority appointing the vacating member shall appoint a successor to serve the unexpired term of the vacating member.

(f) The committee shall annually elect from its members the following:

(1) One (1) member to serve as chairman of the committee.

(2) One (1) member to serve as secretary of the committee.

(g) No member shall serve consecutive terms as chairman of the committee. The chairman may not be succeeded as chairman by a member of the same profession.

(h) The secretary of the committee shall call a meeting of the committee upon the request of the chairman or the written request of two (2) members.

(i) A meeting of the committee may be conducted at any time and at any place in Indiana convenient for conducting the business of the committee. Sufficient advance notice of each committee meeting must be given to allow all members to attend, unless notice of the meeting is waived in writing by all of the committee members.

(j) Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the committee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Three (3) members of the committee constitute a quorum. *(As added by P.L.147-1991, SEC.7.)*

### **IC 25-26-15-13 Committee; rules governing certificate to administer legend drugs; adoption**

Sec. 13. The committee shall do the following:

(1) Adopt rules under IC 4-22-2 to do the following:

(A) Establish a formulary of legend drugs that may be prescribed, dispensed, or administered by an optometrist.

(B) Set fees described in IC 25-1-8.

(C) Carry out this chapter.

(2) Establish education and training requirements in ocular pharmacology required for certification to do the following:

(A) Administer therapeutic legend drugs.

(B) Dispense legend drugs.

(C) Prescribe legend drugs.

(3) Establish continuing education requirements for renewal of the certificate issued under this chapter. *(As added by P.L.147-1991, SEC.7.)*

#### **IC 25-26-15-14 Legend drug formulary; dependent or independent prescriptions; physician notification**

Sec. 14. (a) The formulary established under section 13 of this chapter shall include legend drugs that:

(1) may be independently prescribed by an optometrist; or

(2) must be dependently prescribed by an optometrist.

(b) If a legend drug is designated in the formulary as one (1) that must be dependently prescribed, the formulary must designate:

(1) those legend drugs for which the optometrist must only notify the patient's physician that the optometrist is prescribing the legend drug; and

(2) those legend drugs for which the optometrist must consult with the patient's physician prior to the prescribing the legend drug.

(c) If the patient has no physician, the optometrist must document such in the patient's file.

(d) If the legend drug is designated in the formulary as a legend drug that must be dependently prescribed, the optometrist shall indicate on the prescription that:

(1) the patient's physician has been contacted; or

(2) the patient has indicated to the optometrist that the patient has no physician.

(e) If the legend drug is designated in the formulary as a legend drug that may be independently prescribed, the optometrist may prescribe the legend drug without notifying the patient's physician. *(As added by P.L.147-1991, SEC.7.)*

#### **IC 25-26-15-15 Certificate; issuance**

Sec. 15. Upon the recommendation of the committee, the board shall issue a certificate to a licensed optometrist who:

(1) applies; and

(2) successfully fulfills all of the requirements of this chapter.

*As added by P.L.147-1991, SEC.7.*

#### **IC 25-26-15-16 Requirements for certificate**

Sec. 16. An optometrist who applies for a certificate to administer, dispense, and prescribe legend drugs must meet one (1) of the following requirements:

(1) Do all of the following:

(A) Apply in the form and manner prescribed by the committee.

(B) Provide proof of education in ocular pharmacology from a school or college of optometry or medicine approved by the optometry board.

(C) Pass the Treatment and Management of Ocular Disease (TMOD) examination that is sponsored by the International Association of Boards of Examiners in Optometry (IAB) and administered by the National Board of Examiners in Optometry.

(D) Pay the fee established by the committee.

(2) Do all of the following:

(A) Apply in the form and manner prescribed by the committee.

(B) Pay the fee established by the committee.

(C) Provide proof that the applicant has obtained twenty (20) hours of continuing education in ocular pharmacology after January 1, 1991. *(As added by P.L.147-1991, SEC.7.)*

#### **IC 25-26-15-17 License; prerequisite to optometry practice**

Sec. 17. An applicant must hold a license to practice optometry in order to hold a certificate. *(As added by P.L.147-1991, SEC.7.)*

#### **IC 25-26-15-18 Certificate; renewal**

Sec. 18. The board shall renew a certificate issued under this chapter:

(1) concurrently with the renewal of the optometrist's license to practice optometry;

(2) upon payment of the renewal fee set by the committee; and

(3) upon completion of continuing education requirements established under section 13 of this chapter. *(As added by P.L.147-1991, SEC.7.)*

#### **IC 25-26-15-19 Topical diagnostic or formulary legend drugs; optometrists administration**

Sec. 19. (a) Optometrists may administer topical diagnostic legend drugs limited to:

(1) miotics;

(2) mydriatics;

(3) anesthetics; and

(4) cycloplegics;

without holding a certificate issued under this chapter. These pharmaceutical agents may be applied in diagnostic procedures only as a part of an examination of the eye.

(b) The board may authorize optometrists holding a certificate issued under this chapter to:

(1) administer for therapeutic use;

(2) dispense; or

(3) prescribe;

legend drugs that are included in the formulary established by the committee under section 13 of this chapter, in the treatment of any condition of the eye or the associated structures of the eye. *(As added by P.L.147-1991, SEC.7.)*

**IC 25-26-15-20 Therapeutic or diagnostic legend drugs; certificate requirement; violations**

Sec. 20. (a) An optometrist may not:

(1) administer, dispense, or prescribe therapeutic legend drugs; or

(2) dispense or prescribe diagnostic legend drugs;

unless the optometrist is certified under this chapter.

(b) An optometrist may administer diagnostic legend drugs without obtaining a certificate under this chapter.

(c) A person who violates this chapter commits a Class A misdemeanor. *(As added by P.L.147-1991, SEC.7.)*